

FEB 18 2005



U.S. Department
of Transportation

400 Seventh Street, S.W.
Washington, D.C. 20590

**Research and
Special Programs
Administration**

DOT-E 10882
(FIFTH REVISION)

EXPIRATION DATE: June 30, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Espar Products, Inc., Mississauga, Ontario, Canada
(U.S. Agent: Espar, Inc., Romulus, Michigan)
2. PURPOSE AND LIMITATIONS:
 - a. This exemption authorizes the manufacture, marking, sale and use of temperature controlled equipment (Air Heaters: D1LCC, D3LCC, AIRTRONIC D2, AIRTRONIC D4, D5LC; Coolant Heaters HYDRONIC 4, HYDRONIC 5 and HYDRONIC 10) for use in motor vehicles engaged in the transportation of materials described in paragraph 6, subject to the limitations and special requirements herein. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
 - b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 172.203(a) in that shipping papers need not bear this exemption number and § 177.834(1)(2)(i), in that combustion cargo heaters are not permitted, except as specified herein.
5. BASIS: This exemption is based on the application of Espar Products, Inc. dated April 16, 2002, and supplemental information dated February 14, 2005 submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous materials description -- proper shipping name	Hazard Class/ Division	Identi- fication Number	Packing Group
Specific or generic names, as Appropriate	3	As appro- priate	As appro- priate
Specific or generic names, as appropriate	2.1	As appro- riate	N/A

7. PACKAGING(S) and SAFETY CONTROL MEASURES: Conditions under which shipments may be made are as follows:

a. Materials in the classes identified above, properly packaged, may be shipped by highway vehicles equipped with diesel-fueled heating equipment described in the exemption application. Any electrical equipment in the lading space must be of non-sparking or explosion proof type. There must be no combustion equipment in the lading space and no arrangement for return of air from any lading space to any combustion equipment. The heating system must be such that no part of the lading will be heated to over 130°F and must conform to the requirements of § 393.77.

b. The heating unit and component parts must be as shown in the following three titled Espar Technical Bulletins which were submitted in the exemption application:

Airtronic D2/D4; Hydronic 4/5 (Coolant Heaters); and
Hydronic 10 (Water Heater).

The heater unit and its fuel supply must be externally mounted on the truck or trailer, must retain combustion in a sealed combustion chamber, must utilize outside air for combustion (air from the cargo space cannot be used for combustion) and gases from combustion must be exhausted to the outside of the truck or trailer.

8. SPECIAL PROVISIONS:

a. Offerors for transportation of the hazardous materials specified in this exemption may use an Espar heating system described in this exemption for the transportation of such hazardous materials so long as no modifications or changes are made to the system, all terms of this exemption are

complied with, and a copy of the current exemption is maintained at each facility from which such offering occurs.

b. Shippers using vehicles equipped with Espar heating systems covered by this exemption must comply with the marking, labeling, and placarding requirements of 49 CFR Part 172; all provisions of this exemption, and all other applicable requirements contained in 49 CFR Parts 100-180.

c. Each Espar heater sold under the authority of this exemption is manufactured and marked at the facility of J. Eberspächer, Postfach 289, W7300 Esslingen, Germany.

d. Each Espar heater must be plainly and durably marked with the exemption number "DOT-E 10882".

e. A current copy of this exemption, in its current status, must be maintained at the facility at which the Espar heater is manufactured and must be made available to a DOT representative upon request.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard of each motor vehicle equipped with Espar heating systems when transporting the above classed hazardous materials under the provisions of this exemption.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

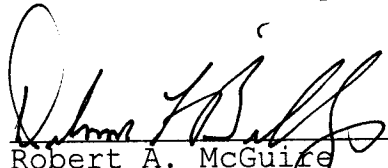
- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, Parts 171-180.
- o Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8 who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when the exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this exemption are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this exemption must notify the Associate Administrator for Hazardous Materials Safety -- OHMEA, in writing, of any incident involving a package, shipment or operation conducted under terms of this exemption.

Issued in Washington, D.C.:

for 

Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

FEB 18 2005

(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590.
Attention: DHM-31.

Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at <http://hazmat.dot.gov/exemptions> Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: PTO/AM